

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK: WHITE PLAINS  
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CREST DIAGNOSTICS, LLC,

**Docket No: 23-cv-05069**

Plaintiff,

-against-

GREENBAUM'S PHARMACY, INC.,

**TRANSFER ORDER**

Defendants.  
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PHILIP M. HALPERN, United States District Judge:

Plaintiff commenced this action in this court on June 15, 2023 under 28 U.S.C. §1332 as the parties are citizens of different States and the amount in controversy exceeds \$75,000, with the filing of a summons and complaint alleging damages for breach of a Product Supply and Fulfillment Agreement (the "Contract") and an accounts stated. The Plaintiff's members are all citizens of the State of Florida (Rule 7.1 Disclosure, Doc. 6) and the Defendant is a citizen of the State of New York (Civ. Cover Sheet, Doc. 2)

The parties hereto agree and consent that the Contract contains a forum selection clause designating the United States District Court for the Southern District of Florida, as the venue for any lawsuit arising out of the Contract.

Under 28 U.S.C. §1406(a), a district court shall transfer the case to any district where in which it could have been brought, in the interests of justice. Substantially, for the reasons set forth in the parties pre-motion letters of July 14, 2023 (Doc. 9) and August 8, 2023 (Doc. 16), the parties ask this Court that the case be transferred to the United States District Court for the Southern District of Florida.

The Clerk of the Court is directed to transfer this action to the United States District Court for the Southern District of Florida in accordance with Local Rule 83.1 and to close the case in this Court.

**SO ORDERED.**

Dated: August 11, 2023  
White Plains, New York



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PHILIP M. HALPERN  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK: WHITE PLAINS  
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CREST DIAGNOSTICS, LLC,

**Docket No: 23-cv-05069**

Plaintiff,

-against-

GREENBAUM'S PHARMACY, INC.,  
Defendants.  
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**STIPULATION  
AND CONSENT TO  
TRANSFER ORDER**

**WHEREAS** the above captioned matter was commenced in this court on June 15, 2023 under 28 U.S.C. §1332 as the parties are citizens of different States and the amount in controversy exceeds \$75,000, with the filing of a summons and complaint alleging damages for breach of a Product Supply and Fulfillment Agreement (the "Contract") and an accounts stated; and

**WHEREAS**, the Contract contains a choice of forum clause that provides any action arising from or relating to the Contract will be brought in the United States District Court for the Southern District of Florida,.

**NOW**, the undersigned attorneys for plaintiff, Crest Diagnostics LLC, and defendant, Greenbaum's Pharmacy, Inc., hereby **STIPULATE, AGREE and CONSENT** to the transfer of this matter from the United States District Court for the Southern District of New York to the United States District Court for the Southern District of Florida, where the case could have been brought, in the interests of justice, under 28 U.S.C. §1406(a) as set forth in the accompanying Consent Order.

Dated: August 10, 2023

**SARFATY & ASSOCIATES P.C.**  
Attorneys for Defendant Greenbaum's  
Pharmacy, Inc.

By:   
Eli Sarfaty

**HARFENIST KRAUT & PERLSTEIN**  
Attorneys for Plaintiff Crest Diagnostics LLC

By: /S/Steven J. Harfenist  
Steven J. Harfenist